

SPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

Applicant: Thomas David Starkey
Serial No.: 10/619,985
Filed: June 15, 2003
For: A Device And Method To Limit Filling Of The Heart
Group Art Unit: 3738
Examiner: Bruce Edward Snow
Attorney's Docket No.: N9464-ICW
Customer No.: 23456

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/07/2005 AKELECH1 00000026 10619985
01 FC:2401 250.00 OP

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated February 3, 2005 of the Primary Examiner finally rejecting claims 1, 5, 8-11, 14-16, 18-21, and 29-31.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. §1.8.

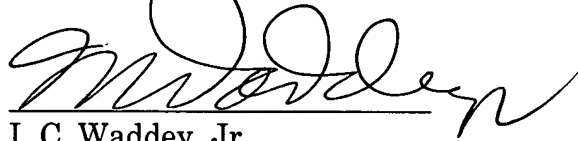
A Statement Claiming Small Entity Status was previously submitted in the prior non-provisional application and such status is still proper and desired.

The Government fee for filing a Notice of Appeal to the Board of Appeals is \$250.00 for a small entity. Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$250.00. Payment is being made by check in the amount of \$250.00, which is enclosed herewith.



If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge or credit any overpayment to Deposit Account No. 23-0035 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,



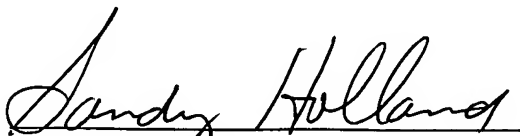
I. C. Waddey, Jr.
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

Certificate of First Class Mailing

I hereby certify that this Notice of Appeal from the Primary Examiner to the Board of Appeals is being deposited with the United States Postal Service as First Class mail on June 2, 2005 and is addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sandy Holland